GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

UNSTARRED QUESTION NO:752
ANSWERED ON:21.02.2003
FREE LEGAL AID TO POOR AND WEAKER SECTION
AMAR ROY PRADHAN

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether free legal aid is being given to the poor and weaker section;

(b) if so, since when and what was the ceiling limit of income for such facility at the time of beginning and categories of Government employees which were covered under this facility;

(c) whether this limit has been revised till date;

(d) if so, the details of revisions made alongwith the date of revision;

(e) whether the Government propose to raise the limit in view of revision of salaries to Government employees w. e. f. January 1, 1996;

(f) if so, by when; and

(g) if not, the reasons therefor?

Answer

MINISTER OF LAW AND JUSTICE & COMMERCE AND INDUSTRY (SHRI ARUN JAITLEY)

(a) Yes, Sir.

(b) Free and competent legal services to the weaker section is provided under Legal Services Authorities Act, 1987, which came into force on 9.11.95. As per Clause (h) of Section 12 of the said Act, every person whose annual income does not exceed Rs.9000/- is eligible for free legal aid in cases coming before High Courts and Courts subordinate thereto.In cases before the Supreme Court, the limit was Rs.12,000/- . The Government employees as a class are not recognized separately as a category eligible for legal aid. However, the following persons are entitled to legal aid/legal services:-

(i) a member of a Scheduled Caste or Scheduled Tribes;

(ii) a victim of trafficking in human beings or beggar as referred to in Article 23 of the Constitution;

(iii) a woman or a child;

(iv) a mentally ill or otherwise disabled person;

(v) a person under circumstances of undeserved want such as being a victim of a mass disaster, ethnic violence, caste atrocity, flood, drought, earthquake or industrial disaster; or

(vi) an industrial workman; or

(vii) in custody, including custody in a protective home within the meaning of clause (g) of section 2 of the Immoral Traffic (Prevention) Act, 1956, or in a juvenile home within the meaning of clause (j) of section 2 of the Juvenile Justice Act, 1986 in a psychiatric hospital or psychiatric nursing home within the meaning of clause (g) of section 2 of the Mental Health Act, 1987; or

(viii) in receipt of annual income less than rupees nine thousand or such other higher amount as may be prescribed by the State Government, if the case is before a court other than the Supreme Court, and less than rupees twelve thousand or such other higher amount as may be prescribed by the Central Government, if the case is before the Supreme Court.

A government employee falling within any of the above mentioned criteria is entitled to legal aid.

(c) & (d) The minimum income ceiling prescribed under clause (h) of Section 12 of the said Act can be enhanced by the appropriate Government. In pursuance of the decision taken at the Annual Meet of the State Legal Services Authorities held under the aegis of National Legal Services Authorities on 12.9.1998, the minimum income ceiling limit for cases before High Courts and Courts

subordinate thereto was required to be increased to Rs.25,000/-p.a. Barring Arunachal Pradesh, Assam, Jammu & Kashmir, West Bengal, Andaman & Nicobar Islands, Dadra & Nagar Haveli and Laskhadweep, the income ceiling limit has since been enhanced. For cases before Supreme Court the Central Government has enhanced the annual income ceiling limit to Rs.50,000/- on 28.2.2000.

(e) to (g) No, Sir. Government employees are not treated as a separate category under the Legal Services Authorities Act, 1987.